

FEB 15 2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *HMcDonnell*  
DEPUTY CLERK

PAUL A. LOVINGS,  
Petitioner,

v.

WARDEN-ROSP,  
Respondent.

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Civil Action No. 7:11-cv-00325

ORDER

By: Hon. Jackson L. Kiser  
Senior United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

**ORDERED**

that petitioner's motion to stay is **DENIED**; respondent's motion to dismiss is **GRANTED**; petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED without prejudice** for failure to exhaust state court remedies; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to petitioner and counsel of record for respondent.

ENTER: This 15<sup>th</sup> day of February, 2012.

*Jackson L. Kiser*  
Senior United States District Judge